

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS

FILED

MAR - 6 2006

CLERK, U.S. DISTRICT COURT

By Deputy

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

SAMMY LEE ELLINGTON,

Petitioner,

VS.

NO. 4:05-CV-672-A

DOUGLAS DRETKE, DIRECTOR, TEXAS  
DEPARTMENT OF CRIMINAL JUSTICE,  
CORRECTIONAL INSTITUTIONS  
DIVISION,

Respondent.

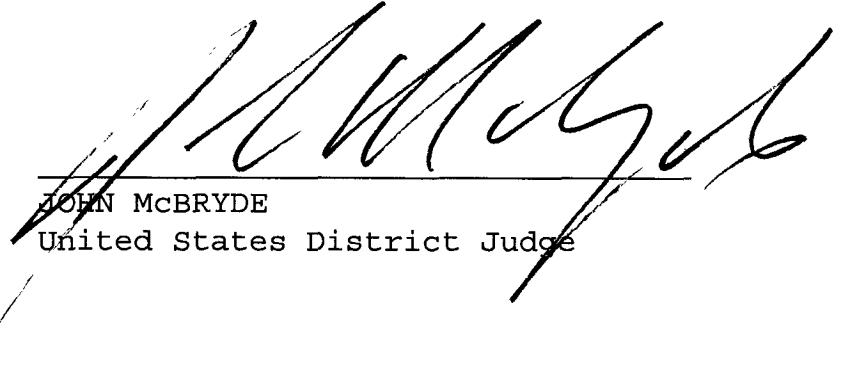
O R D E R

Came on for consideration the above-captioned action wherein Sammy Lee Ellington is petitioner and Douglas Dretke, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On February 9, 2006, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by March 3, 2006. Copies of the proposed findings, conclusions, and recommendation were sent to petitioner and respondent. Because timely objections have not been filed, the court accepts the proposed findings, conclusions, and recommendation of the United States Magistrate Judge.

Therefore,

The court ORDERS that the petition be, and is hereby, dismissed with prejudice for failure to exhaust all remedies pursuant to 28 U.S.C. § 2254(b)(1), except as any application of the federal statute of limitations or other federal procedural bar.

SIGNED March 6, 2006.

  
JOHN McBRYDE  
United States District Judge